

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SHERYL MCCALL and DAVID
MCCALL,**

Plaintiffs,

v.

**JANSSEN PHARMACEUTICALS, INC.,
*et al.,***

Defendants.

This Document Relates to All Cases

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:
:
: **Case Nos.**
: **3:20-cv-08074; 3:20-cv-12605;**
: **3:20-cv-07758; 3:20-cv-07756;**
: **3:20-cv-09530; 3:20-cv-10080;**
: **3:20-cv-07753; 3:20-cv-12328;**
: **3:20-cv-11913; 3:20-cv-11912;**
: **3:20-cv-12608; 2:20-cv-07079;**
: **3:20-cv-11921; 3:20-cv-12421;**
: **3:20-cv-07750; 3:20-cv-10966;**
: **3:20-cv-11919; 3:20-cv-10968;**
: **3:20-cv-12264; 3:20-cv-06070;**
: **3:20-cv-10960**

**JUDGE BRIAN R. MARTINOTTI
JUDGE ZAHID N. QURAIISHI**

CASE MANAGEMENT ORDER NO. 3

The Court having held a case management conference on September 15, 2020, and for good cause shown, enters the following Order:

I. STATUS OF THE LITIGATION

- A. As of September 18, 2020, all 25 cases alleging products liability claims relating to use of Elmiron filed in the District of New Jersey are assigned to Judge Martinotti with 21 complaints having been served.¹

¹ This order applies to and shall be filed in the following served actions: (1) *Rebecca Anthony and Carlie Anthony v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12605-BRM-ZNQ; (2) *Lynn Brewer and William Brewer v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07758-BRM-ZNQ; (3) *Harriet Comstock v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07756-BRM-ZNQ; (4) *Sherry Dobbins and James Dobbins v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-09530-BRM-

II. PENDING MOTIONS

- A. All pending motions have been administratively terminated without prejudice for leave to file at a later date. The parties may continue to meet and confer on possible motions to dismiss and shall report, if necessary, at the next case management conference. Defendants' initial entries of appearance and deadlines to answer or otherwise plead remain tolled until further order of this Court.

III. PROPOSED CASE MANAGEMENT ORDERS

- A. On September 17, 2020, the Court entered the parties' proposed Protective Order in all served cases.
- B. The parties are actively meeting and conferring regarding the following additional orders: preservation order, privilege log protocol/order, and an ESI protocol. The parties indicated that they are close to agreements on each proposed order, and shall either submit agreed-upon forms or report on the status at the next case management conference.

ZNQ; (5) *Carol Dubois v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10080-BRM-ZNQ; (6) *Deborah Edwards v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07753-BRM-ZNQ; (7) *Margaret Emmons v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12328-BRM-ZNQ; (8) *Marilyn J. Evans v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11913-BRM-ZNQ; (9) *Iris Groudan v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11912-BRM-ZNQ; (10) *Carol Hardy and Roger Hardy v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12608-BRM-ZNQ; (11) *Valerie Hull and Edward Hull v. Teva Branded Pharmaceuticals USA, Inc., et al.*, 2:20-cv-07079-BRM-JAD; (12) *Tiffany Kotz v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11921-BRM-ZNQ; (13) *Elizabeth Lafave v. Teva Branded Pharmaceutical Products R&D, Inc., et al.*, 3:20-cv-12421-BRM-ZNQ; (14) *Barbara Mayou and Keith Mayou v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07750-BRM-ZNQ; (15) *Sheryl McCall and David McCall v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-08074-BRM-ZNQ; (16) *Maria A. Rodgers v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10966-BRM-ZNQ; (17) *Michelle Scott v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11919-BRM-ZNQ; (18) *Heather E. Shaffer v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10968-BRM-ZNQ; (19) *Cynthia Vescio v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12264-BRM-ZNQ; (20) *Becky Worden v. Janssen Pharmaceuticals, Inc., et al.* 3:20-cv-06070-FLW-TJB; (21) *Ronna D. York v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10960-BRM-ZNQ

- C. The parties continue to meet and confer on the dismissal of Teva and Bayer Defendants, and shall either submit agreed-upon stipulations or report on status during the next case management conference.
- D. The parties are meeting and conferring regarding a plaintiff fact sheet process and collection of medical records.
- E. The Plaintiffs indicated they intend to propound a master set of discovery requests including interrogatories and document demands on the Janssen Defendants only.
- F. Plaintiffs have requested prioritizing of the production of the New Drug Application (“NDA”) by the Janssen Defendants. The Janssen Defendants have begun the gathering of this hard-copy and electronic production, and with the Court’s guidance on making this production forthwith, the Janssen Defendants hope to begin production of it soon. Plaintiffs and the Janssen Defendants shall provide an update related to the NDA production at the next case management conference.

IV. SCHEDULING

- A. The next case management conference is scheduled for **October 7, 2020, at 10:30 a.m.** Counsel for plaintiffs shall provide a reasonable list of attendees in advance of the conference, so that the conference can be conducted by WebEx or Zoom.
- B. Counsel is required to submit via email a joint agenda five days prior to the next scheduled conference. If there are any disagreements as to the agenda, counsel shall set forth each party’s position.
- C. The parties shall meet and confer on a weekly basis regarding newly filed cases, and counsel for the Janssen Defendants shall provide a weekly update of cases filed

in the District of New Jersey to Dana_Sledge-Courtney@njd.uscourts.gov.

- D. Counsel shall abide by Judge Martinotti's and Judge Quraishi's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

Dated: September 21, 2020

A handwritten signature in black ink, appearing to read "Brian Martinotti", written over a horizontal line.

The Hon. Brian Martinotti, U.S.D.J.